

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert T. Belly, et al.

Serial No.: 10/019,514 Group No.:

I.A. No.: PCT/US00/11651

I.A. Filing: May 4, 2000 Examiner:

For: RAPID AND EFFICIENT CAPTURE OF DNA FROM SAMPLE  
WITHOUT USING CELL LYSING REAGENT

I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first class mail in an envelope addressed  
to: Commissioner for Patents, Washington, D.C. 20231 on

May 19, 2003

Catherine Kurtz Gowen

Name of applicant, assignee, or Registered Representative



(Signature)

May 19, 2003

Box DAC  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

**STATEMENT**

Pursuant to the requirements of the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b), Applicants herein provide a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

The herein attached Notification of Missing Requirements under 35 USC 371 was mailed to Applicants' correspondence address dated 04/10/2002 and stamped "RECEIVED April 15 2002 J&J PAT.DKT. SECTION", by a clerk in the Patent Information Services Group of the Johnson & Johnson Patent Law Department. Further, there was written Attorney Docket number "CDS-219" in the upper right hand corner of the document, and the document placed in the file. The due date of June 10, 2002, however, was never entered into the Johnson & Johnson computer docketing system, and the document was never sent with the file, to the attorney assigned to the case, in this case, the undersigned, both of which are standard procedure on receipt of a paper from the United States Patent Office. It was not until December 2, 2002, when the undersigned was answering an Office Action in the corresponding Canadian case, which

required a copy of the Assignment filed in the U.S., that the Notification was brought, for the first time, to the attention of the undersigned by her Assistant. On that date, the undersigned contacted the named officer on the file, John Anderson, who confirmed that the application was abandoned effective 11/02/2002.

The undersigned and her Assistant contacted the Johnson & Johnson Patent Law Department Information Services Group, and in particular, the person responsible for docketing such actions, who confirmed that although the document was stamped received it was never entered into the docketing system. No parties involved had any specific recollection as to this docketing oversight and all involved sincerely intend to avoid such oversight in future.

It is respectfully submitted that the hereinabove provides sufficient showing as to the nature of the oversight and it is respectfully requested that the herein Petition to Revive be accepted.

The Assistant Commissioner is hereby authorized to charge any fees that are due in this matter to Deposit Account No. 10-0750/CDS-219/CKG.

Respectfully submitted,



Catherine Kurtz Gowen  
Attorney for Applicants  
Registration No. 32,148

Johnson & Johnson  
One Johnson & Johnson  
New Brunswick, NJ 08933-7003  
(732) 524-2681  
DATE: May 19, 2003



## UNITED STATES PATENT AND TRADEMARK OFFICE

CDS/29

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C., 20231  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/019,514		60/132,443

**RECEIVED**

APR 15 2002

J &amp; J PAT. DKT. SECTION

Philip S. Johnson  
 Johnson & Johnson  
 One Johnson & Johnson Plaza  
 New Brunswick, NJ 08933-7003

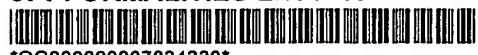
*Onq 12/02/02  
 1/10/02 per J. Anderson - 2 mos made  
 due 1/10/02  
 now aban.*

Date Mailed: 04/10/2002

INTERNATIONAL APPLICATION NO.	
PCT/US00/11651	

I.A. FILING DATE	PRIORITY DATE
05/04/2000	05/04/1999

**CONFIRMATION NO. 1153**  
**371 FORMALITIES LETTER**



\*OC00000007834320\*

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Biochemical Sequence Listing
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Additionally the following defects have been observed:

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
  - **APPLICANT MUST PROVIDE:**
    - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov
- Additional claim fees of **\$1008** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$1138** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$1008**
  - **\$1008** for 12 independent claims over 3.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

JOHN L ANDERSON

---

Telephone: (703) 308-9116

#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/019,514	PCT/US00/11651	60/132,443

DOCKET NO. CDS-219  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Robert T. Belly, et al.

Serial No.: 10/019,514 Art Unit:

Filed (IA): May 4, 2000 Examiner:

For : RAPID AND EFFICIENT CAPTURE OF DNA FROM SAMPLE WITHOUT  
USING CELL LYSING REAGENT

I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first class mail in an envelope addressed  
to: Box Missing Parts, Commissioner for Patents, Washington, DC 20231 on

January 16, 2003

(Date of Deposit)

Catherine Kurtz Gowen

(Name of applicant, assignee or Registered Representative)

*CKGowen*

(Signature)

January 16, 2003

(Date of Signature)

BOX MISSING PARTS  
Commissioner for Patents  
Washington, D.C. 20231

SUBMISSION OF COMBINED DECLARATION AND POWER OF ATTORNEY

Dear Sir:

Pursuant to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), please find enclosed a Combined Declaration and Power of Attorney for the application of Robert T. Belly, et al., entitled RAPID AND EFFICIENT CAPTURE OF DNA FROM SAMPLE WITHOUT USING CELL LYSING REAGENT, attorney Docket No. CDS 219, to complete this application. As required, a copy of the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) is also attached.

Please charge Johnson & Johnson Deposit Account No. 10-0750/CDS 219/CKG in the amounts of \$130.00 for submission of the Declaration pursuant to Section 1.16(e). The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 10-0750/CDS 219/CKG. This sheet is submitted in triplicate.

Respectfully submitted,

*CKGowen*

Catherine Kurtz Gowen  
Reg. No. 32,148  
Attorney for Applicant(s)

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-2681  
DATE: January 16, 2003